

Message Text

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PAGE 01 STATE 107758
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FM SECSTATE WASHDC
TO AMEMBASSY SOFIA PRIORITY

C O N F I D E N T I A L STATE 107758

E.O. 11652: GDS

TAGS: SHUM, CGEN, PFOR, BU (MAREVA, RUMYANA AND YORDANKA)

SUBJECT: MAREV CASE

REF: SOFIA 912

1. MAREVS MET WITH EE DEPUTY DIRECTOR SCHMIDT AND BULGARIAN DESK OFFICER BROWN MAY 3. (ASIDE FROM BRIEF TALK WITH MR. MAREV ON STREET AND ANOTHER BRIEF TALK WITH BOTH MAREVS ON MAY 2, THIS WAS OUR FIRST MEETING WITH THEM SINCE THEIR APRIL 19 DISCUSSION WITH DEPUTY SECRETARY, DERIAN AND ARMITAGE. MRS. MAREV HAD BEEN ABSENT UNTIL MAY 2 BECAUSE OF ILLNESS AND WE DECIDED TO AWAIT HER RETURN BEFORE DETERMINING THEIR LATEST THINKING.) MAREVS TOLD US THEY HAD RECONSIDERED IDEA OF MRS. MAREV TRAVELING TO BULGARIA TO MEET WITH CHILDREN IN LIGHT OF THEIR CONVERSATION WITH DEPUTY SECRETARY, BUT THAT THEY REMAINED FIRM IN CONTINUING TO OPPOSE THE IDEA. MRS. MAREV
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MAINTAINED THAT TRIP WAS "NOT NECESSARY" SINCE BULGARIAN GOVERNMENT COULD SIMPLY ISSUE PASPOVST TO CHILDREN AND ALLOW THEM TO TRAVEL HERE. MR. MAREV STATED THAT IT WAS NOT A MATTER OF MONEY, AND REPEATED HIS SUSPICION THAT BULGARIAN AGREEMENT TO ISSUE HIS WIFE A VISA WAS A "TRAP", EITHER TO KEEP MRS. MAREV FROM LEAVING BULGARIA OR TO CONFRONT HER WITH DAUGHTERS WHO WOULD BE PROGRAMMED BY

AUTHORITIES TO DENY THEY WANT TO LEAVE BULGARIA.

2. FOLLOWING FURTHER UNSUCCESSFUL EFFORT TO TURN MAREVS AROUND, WE THEN FOCUSED DISCUSSION ON THE UPCOMING HEARING. WE GAVE MAREVS UNOFFICIAL TRANSLATIONS OF MARCH 29 ANNOUNCEMENT IN DURZHAVEN VESTNIK AND OF ARTICLE 63 OF THE 1975 BULGARIAN FAMILY CODE, AS WELL AS RFE APRIL 25 RESEARCH PIECE ON CASE. DESPITE OUR REPEATED ENTREATIES, MAREV WOULD NOT COMMIT HIMSELF TO SEEKING BULGARIAN LAWYER TO REPRESENT HIM, AND INDICATED RELUCTANCE TO ASK RELATIVES IN BULGARIA TO ATTEND TRIAL. WE CORRECTED MAREV'S IMPRESSION THAT THE EMBASSY COULD REPRESENT HIM, BUT WE AGREED THAT THE EMBASSY SHOULD ATTEMPT TO ATTEND THE HEARING AND REPORT BACK DEVELOPMENTS. MAREV AGREED TO "CONSIDER" OUR SUGGESTION THAT HE CONSULT HIS US LAWYER AND AT LEAST PREPARE A DEPOSITION WHICH WOULD OUTLINE IN DETAIL HIS AND WIFE'S EFFORTS OVER THE YEARS TO BE REUNITED WITH DAUGHTERS AND WHICH WOULD MAKE CLEAR THE OBSTACLES PLACED IN THEIR PATH BY BULGARIAN AUTHORITIES. IF HE AGREES, WE ANTICIPATE THAT THE DEPOSITION WOULD BE USED EITHER BY MAREVS' COURT-APPOINTED ATTORNEY OR ONE DESIGNATED BY THEM (PARA 7, SOFIA 9779) AT THE MAY 20 HEARING. EMBASSY'S COMMENTS ON WHAT CHANNELS MIGHT BE USED TO GET DOCUMENT TO ATTORNEY OR COURT WOULD BE APPRECIATED. MUST IT BE DONE THROUGH ATTORNEY, OUR COULD IT BE FORWARDED VIA DIPLOMATIC NOTE, IF NECESSARY?

3. IN VIEW OF THE POSSIBILITY THAT THE MAREVS WILL RE-
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FUSE TO ACT ON HEARING AS WE HAVE RECOMMENDED, THE HIGH-LEVEL DEMARCHE YOU RECOMMENDED REFTEL BECOMES ALL THE MORE IMPORTANT. OUR FEELING, HOWEVER, IS THAT SUCH A DEMARCHE WOULD BE MORE EFFECTIVE IN SOFIA. WE ARE NOT SURE POPOV FULLY AND ACCURATELY REPORTS BACK POINTS MADE TO HIM, EVEN BY THE DEPUTY SECRETARY, AND WE HAVE NO ASSURANCE THAT A REPORT FROM POPOV WOULD BE SEEN BY MLADENOV. THUS, WE FEEL THAT AMBASSADOR SHOULD SEEK APPOINTMENT WITH MLADENOV AT EARLIEST POSSIBLE TIME RE CASE. RE POINT ON 1974 LETTER DESCRIBING BEATINGS (YOUR PARA 8), WE ASKED MAREVS ON MAY 3 SPECIFICALLY WHETHER CHILDREN WERE "BEATEN" BY TEACHERS. RESPONSE WAS FUZZY--AT FIRST MRS. MAREV STATED IT WAS DONE BY OTHER STUDENTS, WHO WERE "PUT UP TO IT" BY TEACHERS, ACCORDING TO MR. MAREV. (LETTER SAYS MERELY, "THEY BEAT US", BUT CONTEXT SEEMS TO INDICATE IT WAS DONE BY OTHER CHILDREN. WE ARE POUCHING COPY TO EMBASSY.) THEN MRS. MAREV ASSERTED THAT THERE WAS ANOTHER LETTER WHICH INDICATED THAT STAFF OR TEACHERS WERE INVOLVED AND SAID

SHE WOULD TRY TO LOCATE IT. WE BELIEVE THAT UNLESS WE CAN

OBTAIN CLEAR EVIDENCE, WE SHOULD NOT RAISE THIS POINT WITH GOB.

4. IN MAKING DEMARCHE, WE SUGGEST THAT AMBASSADOR USE POINTS CONTAINED IN REFTEL PARA 9, PLACING STRESS ON (A) DAMAGE WHICH MAREV CASE IS CAUSING AND WILL CONTINUE TO CAUSE TO BULGARIAN GOVERNMENT AS LONG AS EXIT PERMISSION IS DENIED TO THE CHILDREN, (B) DAMAGE TO RELATIVELY GOOD BULGARIAN RECORD ON DIVIDED FAMILIES, AND (C) FACT THAT NEITHER MAREVS NOR USG RECEIVED ANY OFFICIAL NOTIFICATION OF THE MAY 20 HEARING IN VARNA. (AS DETAILED IN SCHMIDT MEMO TO FILES OF APRIL 19, POUCHED EMBASSY, WE FIRST ASKED BULGARIAN EMBASSY FOR CLARIFICATION OF LEGAL NOTICE ON APRIL 4 AND THEN AGAIN IN MORE DETAIL ON APRIL 19. TO DATE WE HAVE RECEIVED NO RESPONSE.) AS INDICATED
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ABOVE, WE BELIEVE WE SHOULD DEFER MENTIONING POSSIBLE MISTREATMENT OF CHILDREN (REFTEL, PARA 9 (C), AND ALSO TAILOR POINT IN PARA 9 (C) TO DELETE REFERENCE TO POSSIBILITY MRS. MAREV MAY VISIT HER CHILDREN. INSTEAD, WE BELIEVE IT WOULD BE BEST TO SAY THAT THE DEPARTMENT HAS NOT BEEN ABLE TO CONVINCE MRS. MAREV THAT SHE SHOULD GO AND COUPLE THIS WITH SUGGESTION HEARING BE CALLED OFF, SINCE IT CAN ONLY BE INTERPRETED AS THREATENING GESTURE AGAINST THE PARENTS.

5. WE HAVE GIVEN MAREV THE TEXT OF THE PROSECUTOR'S PETITION (SOFIA 891, PARA 2) AND ASKED HIM TO PREPARE A DEFENSE IN WRITING TO THE CHARGES. GIVEN THE MANNER IN WHICH EMBASSY OBTAINED PETITION, CAN MAREV REFER TO IT IN HIS DEPOSITION? HE HAS AGREED TO DO SO. HIS ATTITUDE THUS FAR, HOWEVER, SUGGESTS THAT EVEN IF THERE WERE A POSTPONEMENT OF THE MAY 20 HEARING, HE STILL MIGHT NOT TAKE STEPS TO PREPARE A STRONG DEFENSE (INCLUDING SEEKING OUT ASSISTANCE OF BULGARIAN LAWYER). THAT BEING THE CASE, WE HESITATE TO ASK THE BULGARIANS FOR A POSTPONEMENT ON THE GROUNDS THAT MAREVS NEED MORE TIME TO PREPARE THEMSELVES. THUS, WE BELIEVE WE CAN NOT ARGUE JUST FOR A POSTPONEMENT. INSTEAD, YOU SHOULD POINT OUT THAT IT WOULD BE MOST UNDESIRABLE FROM THE POINT OF VIEW OF IMPROVING US-BULGARIAN RELATIONS TO HAVE THE COURT MAKE A DECISION ON THE MAREV CASE WHICH COULD ADVERSELY AFFECT THE ATMOSPHERE.

6. REGARDING QUESTION OF PARALLEL WITH KHRISTOV (REFTEL PARA 9 (F), WE WILL BE REPLYING BY SEPTEL.

7. WITH RESPECT TO EMBASSY'S REFERENCE TO MAREVS ENDING
OR SUSPENDING THEIR DEMONSTRATION, OUR DISCUSSIONS WITH
MR. MAREV LEAD US TO BELIEVE THAT WE WILL HAVE EXTREMELY

DIFFICULT TIME CONVINCING HIM OF POSSIBLE ADVANTAGE IN
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EVEN SUSPENDING HIS VIGIL, WHICH HE REPEATEDLY MAINTAINS
IS HIS LAST RESORT. AT THIS POINT WE WOULD NOT SEE
ATTEMPTING TO GET MAREV TO SUSPEND DEMONSTRATION UNLESS
WE HAD VERY CLEAR SIGNAL FROM BULGARIAN GOVERNMENT AND
PROBABLY EVEN PREARRANGEMENT THAT SUCH ACTION WOULD
RESULT IN RELEASE OF THE CHILDREN.

8. REGARDING THE QUESTION OF SANCTIONS, WE WOULD HOPE
ZHIVKOVA VISIT WOULD PROVIDE MOST USEFUL POSSIBILITIES
FOR EXPLOITATION RE MAREV CASE IN FORESEEABLE FUTURE.
CHRISTOPHER

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